

REMARKS

The office action of August 19, 2009 has been carefully studied and reviewed. In this response, claims 63, 75, 88 and 107 have been amended, claims 67, 89, and 90-106 have been cancelled, and new claims 112-118 have been added.

First, the Examiner notes a restriction requirement. Applicant acknowledges the restriction requirement and further acknowledges that Group I claims were elected and that the election was Claims 63, 65, 66, 68-80, 82 and 84-87 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Nyman et al., U.S. Patent No. 7,083,050 in view of Chatfield, U.S. Patent No. 3,779,910. In the office action, the Examiner indicates that claim 67, which depends from claim 63, contains allowable subject matter. See office action, page 5. Accordingly, the limitations of claim 67 have been incorporated into claim 63. Therefore, claims 63 and all of the claims depending directly or indirectly therefrom, that is, claims 64-66 and 67-88, should be in condition for allowance.

The Examiner also indicated that claim 88 contained allowable subject matter. Claim 88 has been rewritten as claim 121. New claim 121 includes all of the limitations found in claim 88. A series of dependent claims have been added to depend from claim 121. These dependent claims are claims 122-127 and a parallel dependent claim that depend from claim 63. For example, claim 122 which depends from claim 121 recites the language in claim 64. Claim 123 recites the language in claim 66, while claim 124 recites the language in claim 68, and so forth and so on. Hence, it is respectfully urged that claim 121 and the claims depending therefrom are in condition for allowance.


The Examiner indicated that claims 107-111, properly written to overcome a 35 U.S.C. §112 rejection, are allowable. Claims 107-111 stand rejected under §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the invention. In

particular, the Examiner states that "treating" is vague and indefinite in the claim because it is unclear how this term further limits the claim.

Respectfully, the method or process described in claim 107, as originally filed, recited a method for treating water or wastewater. Claim 107 calls for adding a reagent to the water or wastewater and mixing the reagent with the water or wastewater. This effectively treats the water or wastewater. Notwithstanding, and to advance the prosecution of this case, the preamble in claim 107 has been amended to recite a method of mixing a reagent with water or wastewater in a water or wastewater treatment system including the reactor and a vertical flow channel disposed in the reactor. It is respectfully urged that this should cure any vague or indefinite concerns. Claim 107 has been further amended to include a separation step or process. The Examiner requested that such be included. Therefore, it is believed that claim 107 is now in condition for allowance.

It is believed that this response places the application in condition for allowance based on the office action. If there is any remaining formality or issue concerning patentability, the Examiner is requested to telephone the undersigned in order that such can be addressed expeditiously.

Respectfully submitted,
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